

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICK MADSEN,

Plaintiff,

v.

SUE E. RISENHOOVER, et al.,

Defendants.

) No. C 09-5457 SBA (pr)

) **ORDER GRANTING IN PART**
) **AND DENYING IN PART**
) **PLAINTIFF'S REQUEST FOR A**
) **SECOND EXTENSION OF TIME**
) **TO FILE A RESPONSE TO**
) **DEFENDANTS' MOTION FOR**
) **SUMMARY JUDGMENT**

) (Docket no. 105)

Plaintiff has filed a request for a sixty-day extension of time in which to file his response to Defendants' Motion for Summary Judgment.

Having read and considered Plaintiff's request, and good cause appearing,

IT IS HEREBY ORDERED that Plaintiff's request for an extension of time is GRANTED IN PART and DENIED IN PART. While Plaintiff claims that he is scheduled for "two surgeries and to see some specialists," he does not specify any exact dates. He claims it could be "any day;" however, giving such a vague time frame is not enough to warrant a such a long extension. (Pl.'s EOT Mot. at 1.) Plaintiff also claims that he has "serious health problems" that "make it extremely painful, and very difficult to sit and write." (*Id.* at 2.) However, the Court notes that Plaintiff has successfully submitted a four-page handwritten motion for extension of time, and he has also consistently submitted handwritten pleadings in the past without any alleged difficulty. He claims that "it takes anywhere from nine to twelve days to gain access to PLU (Preferred Legal User) Law Library Status." (*Id.* at 2.) He adds that he has also experienced some delay in "copying and mailing [his] legal documents." (*Id.* at 3.) Again, the Court notes that Plaintiff was able to timely file the present motion for extension of time, along with various exhibits attached. Finally, Plaintiff points out that Defendants also received extensions of time to file their motion for summary judgment.


1 Plaintiff has already received a previous extension of time to file his response. The
2 original deadline for his response was April 10, 2012, but it was extended to July 25, 2012
3 when the Court granted Plaintiff his first extension of time. Therefore, Plaintiff has already
4 received one-hundred and six (106) additional days to file his response. Nevertheless, the
5 Court finds that a brief extension of time is appropriate. Plaintiff must file his response to
6 Defendants' Motion for Summary Judgment no later than **August 24, 2012**. Defendants
7 reply to the opposition must be filed no later than **September 7, 2012**.

8 **No further extensions of time will be granted in this case absent exigent**
9 **circumstances.**

10 This Order terminates Docket no. 105.

11 IT IS SO ORDERED.

12 DATED: 7/20/12

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14 SAUNDRA BROWN ARMSTRONG
15 United States District Judge
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2 UNITED STATES DISTRICT COURT
3 FOR THE
4 NORTHERN DISTRICT OF CALIFORNIA
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6
7 RICK MADSEN,
8 Plaintiff,

Case Number: CV09-05457 SBA

CERTIFICATE OF SERVICE

9 v.

10 SUE E. RISENHOOVER et al,
11 Defendant.
12 /_____

13 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.
14 District Court, Northern District of California.

15 That on July 24, 2012, I SERVED a true and correct copy(ies) of the attached, by placing
16 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
17 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office
18 delivery receptacle located in the Clerk's office.
19

20
21 Rick Madsen E10400
22 Pelican Bay State Prison
23 P.O. Box 7500
24 5905 Lake Earl Drive
25 Crescent City, CA 95531

26 Dated: July 24, 2012

27 Richard W. Wieking, Clerk
28 By: Lisa Clark, Deputy Clerk